



JON S. CORZINE  
GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.  
COMMISSIONER

**Merit System Board**

**AGENDA OF REGULAR MEETING OF  
MERIT SYSTEM BOARD  
August 23, 2006**

**Rolando Torres, Jr., Chairman  
Flavella Branham  
John Currie  
Margaret E. L. Howard  
Robert Long**

Date: August 9, 2006

To: Rolando Torres, Jr.  
Commissioner

From: Elizabeth Van Marter, Director  
Human Resource Management

Subject: Reallocation of Position #053875 to the Senior Executive Service

**OFFICE OF THE PUBLIC DEFENDER**

Yvonne Smith Segars, Commissioner of the Office of the Public Advocate seeks the reallocation of the subject position from the Career to the Senior Executive Service pursuant to *N.J.A.C. 4A:3-2.2*. The subject position, currently classified as Administrator of Field Operations and Investigations, was initially established as a title peculiar to the Department of the Public Advocate and subsequently revised to for use exclusively to the Office of the Public Defender.

The position reports directly to the State Public Advocate. Organizationally, it is the 3<sup>rd</sup> highest ranking position in the agency and is responsible for the management and oversight of 21 regional criminal defense offices and the Law Guardian and Parental Rights programs. The staffing of these programs includes three Deputy Administrators, ten Chief Investigator, 35 Assistant Chief Investigators, and over 240 investigators in 39 separate locations. This position manages a budget of \$14 Million and a fleet of 68 vehicles.

Having carefully reviewed the correspondence provided by the Public Defender, the Division of Human Resource Management finds that this request meets the standards established for inclusion in the SES and supports the requested reallocation. Approval of the request would establish the first and only SES position within the Office of the Public Defender. Currently, of the 301 existing SES positions statewide, 258 are filled by incumbents with permanent underlying status. Approval of an additional position would not disturb the 85 to 15 percent ratios established by statute.

**Reallocation of Service**

Effective: \_\_\_\_\_

**From:**  
Administrator of Field Operations  
And Investigations  
M37 – 30811 Position #053875

**To:**  
Senior Executive Service  
M98 - 90752

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Marvin Eugene  
City of Passaic  
Police Department  
Suspension

In the Matter of Clara Garcia  
Newark School District  
Removal

In the Matter of Crystal Grieb  
New Lisbon Developmental Center  
Department of Human Services  
Removal

In the Matter of Wayne Henry  
Southern State Correctional Facility  
Department of Corrections  
Removal

In the Matter of Kelvin Hugh  
Garden State Correctional Facility  
Department of Corrections  
Suspension

In the Matter of Theresa Irvin  
Newark School District  
Suspension

In the Matter of Rhonda Milawski  
New Jersey State Parole Board  
Removal

In the Matter of Manuel Ortiz  
Department of Human Services  
Removal

In the Matter of Sheriff's Officer Sergeant  
County of Hudson  
Examination Appeal

In the Matter of Calvin Sims  
Department of Corrections  
Suspension

In the Matter of Joseph Tassarò  
County of Ocean  
Department of Building and Grounds  
Removal

In the Matter of La Sawn Woods  
County of Camden  
Department of Corrections  
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE  
ABOVE CASES – SETTLEMENT**

**ACTION:**

**A-2 KHADIIHHA BLACKSON, ET AL**

Khadihha Blackson, et al., various titles, City of Camden Housing Authority, appeal the good faith of their layoffs effective October 8, 1998, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

**ACTION:**

**A-3 JOSEPH DULIO**

Joseph Dulio, Police Officer, Borough of Stanhope, Police Department, removal effective April 4, 2005 on two charges of inability to perform duties and the charge of failure to comply with an employment agreement.

Recommendation of the Administrative Law Judge – Grant summary decision and uphold the removal.

**ACTION:**

**A-4 DARRYL PEARSON**

Darryl Pearson, Laborer, City of Newark, Department of Water and Sewer Utilities, removal effective February 18, 2003, on charges of insubordination, inability to perform duties, conduct unbecoming a public employee and resignation not in good standing.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

**ACTION:**

**A-5 RONALD STUIISO**

Ronald Stuiso, Assistant Superintendent of Public Works, Borough of Rutherford, Department of Public Works, removal effective July 13, 2004 on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles and violation of the Borough's Drug & Alcohol Policy.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 ESSENCE U. ELLIS**

Essence U. Ellis appeals the removal of her name from the (S9999F) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

**ACTION:**

**B-2 TAMECCA EVANS**

Tamecca Evans appeals the removal of her name from the (S9999F) eligible list for the title of Police Officer, City of East Orange on the basis of psychological unfitness.

**ACTION:**

**B-3 DIONA HERNANDEZ**

Diona Hernandez appeals the removal of her name from the (S9999F) eligible list for the title of Police Officer, Township of Willingboro on the basis of psychological unfitness.

**ACTION:**

**B-4 SAMMY NATAL**

Sammy Natal appeals the removal of his name from the (S9999F) eligible list for the title of Police Officer, City of Paterson on the basis of psychological unfitness.

**ACTION:**

**B-5 ANTHONY KAPURELOS**

Anthony Kapurelos, a Correction Sergeant with Southern State Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-6 IRAIDA PADILLA**

Iraida Padilla, a Communications Operator, Secured Facilities and Northern State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-7 NARENDRA BHATT**

Narendra Bhatt appeals the appointing authority's request to remove his name from the eligible list for Judiciary Clerk 2 (S7174G) based on an inability to communicate effectively in English in order to perform the duties of the position.

**ACTION:**

**B-8 SAMUEL MBADUGHA**

Samuel Mbadugha appeals the appointing authority's request to remove his name from the eligible list for Principal Accountant (M6926G), Newark based on an inability to communicate effectively in English in order to perform the duties of the position.

**ACTION:**

**B-9 TIMOTHY NUSS**

Timothy Nuss appeals the appointing authority's request to remove his name from the eligible list for Hazardous Site Mitigation Specialist 1 (PS5747G), Department of Environmental Protection, on the basis that he was no longer employed in the unit scope of eligibility where the position is located.

**ACTION:**

**B-10 EVAN GINCEL**

Evan Gincel, a former Youth Worker with the Juvenile Justice Commission, Department of Law and Public Safety, appeals his resignation in good standing effective January 4, 2006.

**ACTION:**

**B-11 LORI SADLEY, ET AL.**

The Department of Children and Families requests relief on behalf of Lori Sadley, Rosaura Ingram, and Jaime Hamilton.

**ACTION:**

**B-12 WILLIAM KLUSARITZ**

The Superior Court of New Jersey, Appellate Division, has remanded the matter of William Klusaritz to the Merit System Board for entry of an order dismissing Klusaritz from his position and vacating the Board's prior award of back pay and benefits.

**ACTION:**

**B-13 EDWARD GRAHAM**

Edward Graham, a former Interviewer with the Department of Labor and Workforce Development, appeals the determination of the Commissioner of Labor and Workforce Development, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

**ACTION:**

**B-14 JAY ANDREYCO**

Jay Andreyco, a former Park Maintenance Worker with the Mercer County Park Commission, represented by Frank M. Crivelli, Esq., petitions the Merit System Board for a hearing regarding his termination from employment.

**ACTION:**

**B-15 WANDA SCHEUMEISTER**

Wanda Scheumeister, a Police Officer with the Township of Belleville, represented by Annette Verdesco, Esq., petitions the Merit System Board for interim relief of her immediate suspension, commencing on June 7, 2006, pending a departmental hearing.

**ACTION:**

**B-16 JOHN BELL**

The appeal of John Bell, a County Correction Officer with Essex County, of his removal effective April 22, 2004, on charges, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on June 12, 2006. At its meeting on August 9, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the removal to a 60-day suspension. Rather, the Board upheld the removal. The proposed final decision is now submitted for the Board's review.

**ACTION:**

**B-17 THOMAS RICCHIUTI**

The appeal of Thomas Ricchiuti, a County Correction Officer with Monmouth County, of his 10-day suspension, on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on May 17, 2006. At its meeting on August 9, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to dismiss the charges and reverse the 10-day suspension. The proposed decision is now submitted for the Board's review.

**ACTION:**

**B-18 VICTOR ONWUZURUIKE**

The appeal of Victor Onwuzuruike, a Senior Security Guard with the Newark School District, of his removal effective May 3, 2004, on charges, was heard by Administrative Law Judge Ken R. Springer (ALJ), who rendered his initial decision on May 15, 2006. At its meeting on August 9, 2006, the Merit System Board (Board), adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

**ACTION:**

**B-19 MARILYN FARRELL**

Marilyn Farrell appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Code Enforcement Officer (M6227H), City of Bridgeton.

**ACTION:**

**B-20 JOY MURL**

Joy Murl appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Head Procurement Clerk (PS8491I), Department of Corrections.

**ACTION:**

**B-21 ELLEN MURTHA**

Ellen Murtha appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Training Technician (PC1478G), Mercer County Board of Social Services.

**ACTION:**

**B-22 WALIYY ANDERSON**

Waliyy Anderson, represented by Michael Prigoff, Esq., appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-23 ROBERT BALESTRIERI**

Robert Balestrieri appeals his score for seniority and for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-24 MICHAEL CANNON**

Michael Cannon appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-25 ALEXANDER COULTER**

Alexander Coulter appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-26 JOSEPH CZACHOWSKI**

Joseph Czachowski appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-27 FRANK DUBICKI**

Frank Dubicki appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-28 KENNETH EMMICH**

Kenneth Emmich appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-29 GREGORY GIOVE**

Gregory Giove appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-30 KEVIN GORMAN**

Kevin Gorman appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-31 BENJAMIN HILL, JR.**

Benjamin Hill, Jr., represented by Michael Prigoff, Esq., appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-32 DENNIS KROLL**

Dennis Kroll appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-33 KEVIN KULNIS**

Kevin Kulnis appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-34 VINCENT MANCHISI**

Vincent Manchisi appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-35 WILLIAM MCCLINTOCK**

William McClintock appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-36 DANIEL MITCHELL**

Daniel Mitchell appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-37 HAROLD MOTLEY, JR.**

Harold Motley Jr. appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-38 DAVID MURRAY**

David Murray appeals his scores for the written and oral portions of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-39 PAUL NEWMAN**

Paul Newman appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-40 JOHN NOESGES**

John Noesges appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-41 MARK PETRUCELLI**

Mark Petrucelli appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-42 MICHAEL RAZZOLI**

Michael Razzoli appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-43 ADALBERTO RODRIGUEZ**

Adalberto Rodriguez appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-44 JOHN SADOWSKI**

John Sadowski appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-45 SCOTT TERPAK**

Scott Terpak appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-46 JOSEPH VALLO**

Joseph Vallo appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-47 JOSEPH T. VERDON**

Joseph T. Verdon, represented by Peter Tucci, Jr., Esq., appeals his score for the oral portion of the examination for first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-48 JOSEPH W. VERDON**

Joseph W. Verdon appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-49 JOHN YANICK**

John Yanick appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

**ACTION:**

**B-50 VICKI GRIEB**

The Director, Division of Human Resource Management, on behalf of the Department of Environmental Protection, requests that Vickie Grieb's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Senior Technician, Management Information Systems (MIS), Department of Environmental Protection (DEP).

**ACTION:**

**B-51 JEFFREY F. MADDOCKS AND W. CHARLES REINHART**

Jeffrey F. Maddocks appeals the determination of the Division of Selection Services which found that he did not meet the announced residency requirement for the open competitive examination for Code Enforcement Officer (M6227H), City of Bridgeton. W. Charles Reinhart appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Code Enforcement Officer (M6227H), City of Bridgeton.

**ACTION:**

**B-52 MERIT SYSTEM BOARD MINUTES**

Submitted for adoption are the Merit System Board minutes of its meeting of August 9, 2006.

**ACTION:**